IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2182 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Ms.Gauri Godse, for the Petitioners
Mr.S.G.Sonawane, for Respondent State.

CORAM :F.I.REBELLO & MRS.R.S.DALVI,JJ.
DATED : NOVEMBER 14,2005

P.C.

. All the petitioners are persons whose lands have been acquired. Before the lands were acquired possession was taken by private negotiations on 15th April, 1965 as evidence in the reply filed by Sushma Satpute, Special Land Acquisition Officer (Minor Irrigation). The award in respect of the said land was made on 23rd December, 1982. The Government issued circular on 17th September, 1977 which provides for payment of rent to those owners whose lands were taken possession by private negotiation. The grievance of the petitioners is that till date most of the petitioners have not received the rent which

they are legally entitled to.

2. It is also pointed out that in the course of the proceedings some of the owners have expired and are now represented by their legal heirs. Some of them are parties to the present petition.

3. On behalf of the petitioners learned Counsel points out that petitioners are entitled to interest on the rent which has not been paid to the petitioners for no fault of their and thus have been unjustly denied the amount which they were entitled to according to law.

4. On behalf of the respondents a reply has been filed by Sushma Satpute. The only contention raised therein is that though the rent is payable it has to be paid by the acquiring department. The respondents are all organs of Respondent No.4. It is thus the respondent No.4 who ultimately has to pay the compensation. Considering the above the petition can be disposed of by issuing the following directions:-

(i)The respondents are directed to pay the rent to those who have not been paid between

the period from 15th April, 1965 to 23rd November, 1982 within a period of 12 weeks from today.

(ii) On the said rent the respondents are bound to pay simple interest at 6% p.a. from the year the rent became due and payable, till the rents are finally paid to the petitioners.

(iii) The Respondents to pay the amounts to the persons whose names are set out in the award, or in case the original owners whose names are set out have expired, to their legal heirs on production of documentary evidence to the satisfaction of the Special Land Acquisition Officer.

(iv) Rule made absolute accordingly. No order as to costs.

(**F.I. REBELLO, J.)**

(**MRS.R.S. DALVI, J.)**